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Salute to a Great Legislative Draftsman: Elmer A. Driedger, Q. C.

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IN MEMORIAM

Salute to a Great Legislative Draftsman

Elmer A. Driedger, Q.C.

Even though he was known mainly by those who labour in the deep recesses of the institutions that create legislation, Elmer A. Driedger, Q.C., who died on September 21, 1985, will be mourned in every English-speaking country.

Driedger was not only a superb craftsman but uniquely gifted in articulating his insights into the mysteries of formulating statutes. Transcending even a prodigious grasp of language, his talents made him a master of conceptualizing the substance and architectural design of legislative policy. His writings have benefited legislation world-wide. Sir Noel Hutton, former First Parliamentary Counsel in London, England, was not spouting hyperbole when, in 1975, he compared Driedger with George Frideric Handel.

Besides serving Canada as its premier legislative draftsman, Deputy Minister of Justice, and (for two years) Consul-General in Hamburg, Driedger enriched the entire British Commonwealth, among other things by giving evidence to the Renton Committee in London and serving as consultant to the Australian government. Besides lecturing widely, he conducted, at Queen's University, the University of Ottawa, and the Department of Justice, courses in legislative draftsmanship and parliamentary process for both Canadian minds and those from other Commonwealth nations. American legislative draftsmen paid close attention.

Driedger was a warm and cultivated person. Genial,

generous, and considerate, he quickly captivated an audience. Although too perceptive not to appreciate the dimensions of his own achievements, he remained modest and deferential. His intellectual integrity, moral courage, and diplomacy were most recently shown in his response to the powerful and sometimes strident efforts of extreme equalitarians to banish even false "sexism" from statutes.

Driedger and I first corresponded in the early 1950s, when I was consolidating military law for the Pentagon. We did not meet until 1974, when we appeared on the same program of the Canadian Bar Association. Driedger and his delightful wife, Elsie, came to our room at Toronto's Royal York.

Before they arrived, I tentatively resolved to impress him with the catholicity of my own scholarship by casually mentioning that I was extending my academic reach by becoming the first legislative draftsman to produce a book on statutory interpretation, scheduled for publication within a year. Before I could yield to temptation, he said, "By the way, Professor Dickerson, you might be interested in seeing my new book" and reached into his brief case for a copy of the just-published *The Construction of Statutes*. It took heroic effort to congratulate him while suffering instant deflation. So began a warm friendship, culminating in reciprocal visits to Bloomington and Ottawa.

I hasten to pay public tribute because, like all legislative draftsmen, I know how it is to labour in what is professionally viewed as a remote, exotic, and generally obscure corner of the legal community. One easily surmises that Driedger was privately saddened by the knowledge that his own University, unlike the University of Ottawa, had never taken notice of his considerable professional achievements.

Even so, there were staunch admirers such as my mathematician brother, who, while occasionally peering over my shoulder, was first intrigued and then delighted with the perceptive, elegant, and crystalline way in which Driedger

handled the problems of writing and reading statutes. His admirers may not have been beyond counting, but they have been unswervingly devoted.

We shall miss him.

F. Reed Dickerson*

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